



**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION
41 U.S.C. 3304**

J&A-26-0004

Pursuant to the requirements of the Competition in Contracting Act (CICA) as implemented by the Federal Acquisition Regulation (FAR) 6.103 (FAR Class Deviation 25-11) and in accordance with the requirements of FAR 6.104 (FAR Class Deviation 25-11), the justification for the use of the statutory authority under FAR 6.103 (FAR Class Deviation 25-11) is justified by the following facts and rationale required under FAR 6.104-1 (FAR Class Deviation 25-11):

1. Agency and Contracting Activity.

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Office of Acquisition Management, proposes to enter into a contract on behalf of the ICE Health Service Corps (IHSC) on a basis of other than full and open competition.

2. Nature and/or description of the action being approved.

(a) Type of action: Firm Fixed Price

(b) Amount of the current J&A: [REDACTED]

(c) Brief Description: IHSC is responsible for providing health care services to illegal aliens (IAs) that are detained in facilities across the country. This care involves providing prescription medications to IAs. In order to support IAs' pharmaceutical needs, ICE requires the support of a Pharmacy Benefit Manager (PBM).

Ardent Group, LLC
400 N. Park Ave., 12B
Breckenridge, CO 80424

3. Description of Supplies/Services.

As previously stated, IHSC is responsible for providing health care services to IAs and requires ongoing PBM support to ensure IAs receive prescription medications. This support, which was historically provided by the Veteran's Administration Financial Services Center (VAFSC), [REDACTED]

[REDACTED] However, the VA's support was abruptly terminated on October 3, 2025. This termination has created an emergency as it has compromised ICE's ability to provide prescription medications to IAs. ICE has an unusual and compelling need to rapidly re-instate PBM support so IAs can continue receiving both routine and life-saving medications. This requirement will provide up to 12 months of support at an estimated total cost of [REDACTED]. A letter contract is being pursued in accordance with FAR 16.603, with definitization to occur at a later date. This J&A is for purposes of both the letter contract necessary for immediate acquisition of the services and the ultimate definitization thereof.

4. Identification of statutory authority permitting other than full and open competition.



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The statutory authority permitting other than full and open competition is 41 U.S.C. §3304(a)(2) as implemented by the FAR Subpart 6.103-2 (FAR Class Deviation 25-11) entitled “Unusual and compelling urgency.”

Note: This action is not a requirement which facilitates the response to or recovery from a natural disaster, act of terrorism, or other man-made disaster. The period of performance will not exceed one year in accordance with FAR 6.103(c)(2) (FAR Class Deviation 25-11), nor exceed the time necessary to meet the unusual and compelling requirements of the work to be performed under the contract or the time necessary for ICE to enter into another contract for the required services using competitive procedures. A letter contract is being immediately pursued in accordance with FAR Subpart 16.603, to be definitized at a later time.

5. Demonstration that the nature of the acquisition requires use of the authority cited.

IHSC is required to ensure IAs in custody receive proper medical care and all prescribed medications. As such, ICE requires PBM support to manage, process, and optimize prescription drug benefits for IA patients. ICE also requires PBM support to manage formulary databases, claims processing, pharmacy network administration, cost negotiations, benefit plan design, fraud prevention, etc. In addition to the PBM services that IHSC requires to support ICE IAs, IHSC also provides PBM support at over 500 Custody and Border Patrol (CBP)¹ and over 200 Enforcement and Removal Operations (ERO) Custody Management locations across the country.

Historically, all PBM support was provided by the VAFSC through a service level agreement (SLAs) with ICE. ICE has maintained this SLA with the VAFSC since 2002. [REDACTED]

[REDACTED] Then, on October 3, 2025, the VA abruptly and instantly terminated the SLA and support for ICE effective immediately. With immediate termination, ICE currently has no mechanism to provide prescribed medications to IAs. The SLA termination has severely hindered the DHS mission and has affected all ICE detention housing operations currently in place (which is over 200 sites) relating to the provision and payment of pharmaceuticals, retail pharmacy prescriptions, etc. IHSC is also not able to support CBP in the provision and payment of IA medications.

[REDACTED]

The VA’s termination has created an unusual and compelling situation because ICE’s ability to treat IAs has been compromised since ICE has no system in place to acquire, or process

¹ [REDACTED]

[REDACTED] IHSC responsibilities are to “...provide administrative services, oversight, and contractual support to process medical claims for the treatment of ICE and CBP detained non-citizens.” The process of medical claims includes pharmaceuticals provided by a PBM.



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claims for medications. It is an absolute emergency for ICE to immediately procure PBM support because lack of this support will delay critical prescriptions and life-saving medications for IAs. Due to the criticality of PBM support, it is imperative that ICE instantly restore services to ensure there is a mechanism in place for ICE to acquire prescriptions for IAs to prevent any further medical complications or loss of life. Additionally, since there is no coverage for prescription medications, there will be delays in pharmacy provider payments. Providers who are not paid timely may not accept new prescription requests or provide vital medications. This could reduce current and future provider participation in the IHSC community provider network which is central to the success of the ICE and CBP mission.

Pursuant to FAR 6.103-2(b) (FAR Class Deviation 25-11): the agency need for the services is so unusual and compelling that providing full and open competition would result in unacceptable delays and seriously injure the Government. There is clearly an unusual and compelling urgency to restore services as the health, welfare, and lives of IAs in ICE and CBP custody are significantly at risk. At this time, due to the urgency of the situation and lives at risk, it is not practicable to request proposals from several sources. Ardent Group, LLC (Ardent) provided these exact PBM services to ICE via the VAFSC agreement and therefore has direct experience with IHSC's business rules, requirements, processes, etc. enabling the fastest restoration of services. As such, the government will likely only request a proposal from one source, Ardent, as they can restore support quickly. However, should Ardent be unable to meet the requirements immediately, a proposal will be requested from an alternate source which has expressed interest in this requirement.

This letter contract will be for a period of 12 months. During this time period, ICE will be able to continue services, finalize a strategic vision for a PBM under program management, increase the resources required to take on such a program, and compete a new requirement. Given the nationwide scope, it is expected at least two months for program management strategy, six months for a competition, and three months for transition to ensure a smooth transition for medical claims at IHSC.

6. Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.

☐ OAQ intends to publicize this requirement, **prior to award**, as required by subpart 5.101(a) (FAR Class Deviation 25-17) by posting a notice on sam.gov.

☒ OAQ does not intend to publicize this requirement, **prior to award**, based on the following 5.101(b)(2) (FAR Class Deviation 25-17) exception:

The proposed contract action is made under the conditions described in 6.103-2 (FAR Class Deviation 25-11) and the government would be seriously injured if the agency complies with the time periods specified in 5.101(d) (FAR Class Deviation 25-17).



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7. Determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The contracting officer determines that the anticipated price(s) will be fair and reasonable based on comparison to historical prices paid for same or similar services.

8. Description of market research.

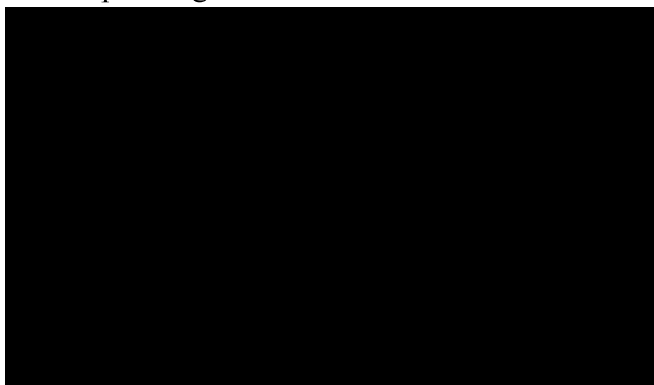
Prior to the abrupt termination of VAFSC support, ICE posted a Request for Information (RFI) to the System for Award Management (SAM) for an all-inclusive effort which included the above-described services along with medical claims processing support. While several vendors expressed interest and could potentially provide PBM support, competing the requirement at this time will significantly delay services. A formal competition will take months and prescriptions for IAs cannot wait. These services are urgently and immediately needed to ensure IAs receive all routine and life-saving medications to prevent any further medical complications and loss of life.

9. Any other facts supporting the use of other than full and open competition.

Not applicable.

10. A listing of the sources, if any that expressed, in writing, an interest in the acquisition.

As previously noted, ICE published an RFI for an all-inclusive effort which included the above support. The below companies expressed interest or submitted direct correspondence to the CO expressing interest:



11. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for supplies or services required.

ICE is actively performing all acquisition activities relating to competitively awarding a contract for the above described services. Once award is made, ICE will have support in place which will eliminate the need for any subsequent urgent and compelling justifications.

☒ **After award** of this action, DHS intends to post the approved/signed justification pursuant to 6.301 (FAR Class Deviation 25-11).



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12. Contracting Officer's Certification.

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

[Redacted signature area]

Contracting Officer

13. Technical/Requirements Personnel Certification.

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

[Redacted signature area]

Technical Representative/COR

14. Approval.

MELANIE ALSTON

Digitally signed by MELANIE ALSTON
Date: 2025.10.22 09:40:32 -04'00'

Hope Elease Sanders
Competition Advocate

Date

ALBERT J DANTON

Digitally signed by ALBERT J
DANTON
Date: 2025.10.22 09:55:51 -04'00'

Albert Danton
Head of Contracting Activity

Date